

To, Clerk, US District Court  
Newark, New Jersey 07101

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

### Instructions

1. **Who Should Use This Form.** You should use this form if *2019-3-A-82*
  - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
  - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
  - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
  - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
  - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
  - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and \_\_\_\_\_ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.  
  
If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

RE: Stone v USA

Dear Clerk,  
If the court so finds proper please transfer this case to the U.S. District Court  
for the District of Columbia.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

# UNITED STATES DISTRICT COURT

for the

Roger Stone; & Numa Esahar  
 on Israeli National being detained in Russia; Hong Kong  
 protesters; Philippine Senator Lila Delina; 29 yr old woman attacked by hunting dogs in Northern France.  
 v.  
 United States of America; & U.S. Marshal;  
 Russia; Israel; Respondents; Central Intelligence Agency;  
 (name of warden or authorized person having custody of petitioner)  
 Russian Warden; Warden & Director, Federal Bureau of Prisons;  
 Hong Kong Police Department; Philippines; FRANCE.  
 Case No. 19-21052 (SDW)  
 (Supplied by Clerk of Court)  
 (Related to; USA v. Roger Stone (DC Columbia))  
**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241; AND MOTION TO VACATE, SET ASIDE, & CORRECT UNDER 28 U.S.C. § 2255; AND MOTION TO DISMISS FOR LACK OF Subject Matter Jurisdiction**  
**Personal Information**

1. (a) Your full name: Roger Stone / Numa Esahar  
 (b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
 (a) Name of institution: OUT ON BOND (USA) / Russia  
 (b) Address: unknown
- (c) Your identification number: \_\_\_\_\_
3. Are you currently being held on orders by:  
☒ Federal authorities      ☐ State authorities      ☐ Other - explain: \_\_\_\_\_
4. Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
 If you are currently serving a sentence, provide: In convicted at Trial not sentenced yet  
 (a) Name and location of court that sentenced you: U.S. District Court District of Columbia  
 (b) Docket number of criminal case: Unknown  
 (c) Date of sentencing: N/A  
☐ Being held on an immigration charge  
☐ Other (explain): \_\_\_\_\_

## Decision or Action You Are Challenging

5. What are you challenging in this petition:  
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☒ Pretrial detention  
☐ Immigration detention  
☐ Detainer  
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)  
☐ Disciplinary proceedings  
☒ Other (explain): Conviction

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: U.S. District Court District of Columbia  
Washington, DC 20001  
 (b) Docket number, case number, or opinion number: \_\_\_\_\_  
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Convictions at Trial - Making False Statements to Congress (7 counts total)  
- Obstruction of Justice (~~1 count~~)  
- Witness Tampering (~~1 count~~)  
 (d) Date of the decision or action: 11/15/2019

#### Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not appeal: None available yet. All available remedies have been exhausted

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☒ No

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If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: proper procedure to challenge violations that occurred during pre trial restraint is a 28 USC § 2241. Restraint on Bond meets the "in custody" requirement for purposes of 28 USC § 2241 & 2255. This is a dual 2241/2255 action.

# 11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_

- (b) Date of the removal or reinstatement order: \_\_\_\_\_

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

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If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Result: \_\_\_\_\_
- (4) Date of result: \_\_\_\_\_
- (5) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Case number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: \_\_\_\_\_
- (b) Name of the authority, agency, or court: \_\_\_\_\_
- \_\_\_\_\_
- (c) Date of filing: \_\_\_\_\_
- (d) Docket number, case number, or opinion number: \_\_\_\_\_
- (e) Result: \_\_\_\_\_
- (f) Date of result: \_\_\_\_\_
- (g) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



**Grounds for Your Challenge in This Petition & Challenges to Jurisdiction**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** Indictment was not brought in the name of the Real party in interest because charges were brought in the name "United States of America" not "United States" in violation of 18 USC 3231 and 28 USC 547 and Due Process. The District Court lacked Jurisdiction over the Indictment.

(a) Supporting facts (Be brief. Do not cite cases or law.): Indictment was not brought in the name of the Real party in Interest because it was filed in the name "United States of America" not "United States" in violation of 18 USC 3231 and 28 USC 547 and Due process. The term "United States of America" refers to 13 former now defunct British colonies under the 1777 Articles of Confederation while term "United States" refers to the 50 states under 1787 U.S. Constitution. See Ballentine's Law Dict. at "United States." 18 USC 3231 gives this court jurisdiction over offenses

(b) Did you present Ground One in all appeals that were available to you? Committed against the "United States" not the "United States of America" and the US Attorney only has Jurisdiction to institute and prosecute crimes against the "United States". The district Court lacked Jurisdiction over the Indictment.

☒ Yes

☐ No

**GROUND TWO:**

By asking for and accepting petitioner's not guilty plea the Magistrate Judge violated Fed. R. Crim. proc. 5(d), & due process, and the arrest and search warrants were not returned in violation of Rule 4(c)(4)(A), 41(c) & due process.

(a) Supporting facts (Be brief. Do not cite cases or law.):

By asking for and accepting petitioner's not guilty plea the Magistrate Judge violated Fed. R. Crim. proc. 5(d) & due process. Only Article III Judges can ask for or enter pleas, and the arrest and search warrants were not returned in violation of Rule 4(c)(4)(A), 41(c) & due process. The district Court lacks Jurisdiction.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

**GROUND THREE:** The U.S. Attorney issued Grand Jury Subpoena's and it and the FBI received the information responses without authorization of the Grand Jury in violation of separation of powers and due process. Also, Grand Jury Subpoena's were served by fax and email by the US Attorney & AUSA's rather than the U.S. Marshal in violation of Fed. R. Crim. proc. 17 & Due Process.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The U.S. Attorney issued Grand Jury Subpoena's and it and the FBI received the information responses without authorization of the Grand Jury in violation of separation of powers and due process. Also, Grand Jury Subpoena's were served by fax and email by the U.S. Attorney & AUSA's rather than the U.S. Marshal in violation of Fed. R. Crim. proc. 17 & due process because the U.S. Atty & AUSA's were parties to the action. It was improper for them to serve the Grand

(b) Did you present Ground Three in all appeals that were available to you? Jury Subpoena's.

☒ Yes

☐ No

**GROUND FOUR:**

*petitioner was placed under FISA electronic surveillance in violation of 50 USC § 1801 et seq. & due process. The Court should order the FISA disclosed under 50 USC § 1806(f).*

(a) Supporting facts (Be brief. Do not cite cases or law.):

*petitioner was placed under FISA electronic surveillance in violation of 50 USC § 1801, et seq. & due process and he moved for an order requiring disclosure of the FISA orders, authorizations, overhears and discovery under 50 USC § 1806(f). All in violation of due process and the 4th Amendment. The District Court lacks jurisdiction.*

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: *No.*

**Request for Relief**

15. State exactly what you want the court to do: *Discharge petitioner from custody and restraint, order the CIA to lift the FISA electronic surveillance & Respondents to disclose the FISA, vacate, set aside and correct stated conviction and any subsequent sentence, Hold a hearing, examine the FISA in camera appoint counsel to prosecute this action for petitioner along with all other requested or warranted relief. Transfer this case to the U.S. District Court for the District of Columbia if necessary.*

**Ground Five:** *Petitioner did not have the opportunity to object to the Grand Jury Venue and Selection process in violation of Fed. R. Crim. Proc. 6(b)(3) and less than 12 individual grand jurors who voted were legally qualified to sit and possibly only a single grand juror was legally qualified to sit. The grand jury wheel excluded native americans, black indians, women, college students, and hispanics in violation of equal protection and 28 USC 1865 and due process. The District's Grand Jury selection plan unlawfully excluded peers as stated and there was a substantial failure to comply with 28 USC 1867 which violated equal protection and due process. The District Court lacks jurisdiction.*

**Ground Six:** *The CIA using FISA electronic surveillance remote satellite signals caught Numa Esahar, an Israel national who was arrested in Russia and imprisoned for 7 1/2 years on trumped up charges for possessing less than 1/32 ounce of marijuana in a Russian prison where she can make no calls and <sup>can</sup> receive only two visits a month in violation of 50 USC § 1801 et seq., Equal protection and due process. CIA orchestrated Esahar's Russian conviction and detention to get Alexi Berceff a Russian hacker who was confined in an Israel prison and was used as a bargaining chip along with Esahar. Berceff however was extradited by Israel to the US to stand trial but Numa Esahar remains unlawfully held in Russia. She should be ordered discharged and the FISA electronic surveillance lifted & disclosed under 50 USC § 1806(f).*



**Declaration Under Penalty Of Perjury**

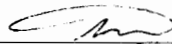
If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 11/15/19



Signature of Petitioner



Signature of Attorney or other authorized person, if any

Ground Seven: The only clause in the U.S. Constitution that allows for punishment of Felonies offenses is the Offences clause and the felony punishments allowed are only piracy & offenses against the Laws of Nations therefore the Making False statements, obstruction of Justice and witness tampering offenses charged in the Stone case violates the Offences clause of the U.S. Constitution & due process and the District Court Lacked Jurisdiction over the offenses.

Predjudice: petitioners suffered actual prejudice because of the Statutory and Substantive Constitutional Rights were violated and they are being restrained of their Liberty.

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Ground Eight: CIA used the remote Technology via Satellite (Microwave Hearing) to cause the shootings of Hong Kong protestors by the Hong Kong police Department in violation of the FISA Act 50 USC § 1801 et seq, due process & the 4th Amendment and to unlawfully imprison for over 1,000 days and counting Phillipine Senator Limbik Delima, and also caused the death of a 29 year old female who while walking her dog in Northern France was attacked and killed by a pack of hunting dogs. See "Voice to Skull" at www.fas.org - Federation of American Scientists (stating that Voice to Skull is a silent sound source used to communicate with people and animals)